

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

September 8, 2004

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Presentation at Erosion and Sediment Control Course, Temecula** *(Eric Becker)*

On August 18, 2004, Inland Erosion Control, Inc. sponsored an erosion and sediment control course to familiarize the development community in southern Riverside County on effective Best Management Practices (BMPs) for construction sites. During the course, Eric Becker presented an overview of the new municipal storm water permit, BMP requirements under the state permit, and the Regional Board's enforcement process. The course also explained what to expect from increased local oversight at construction sites as required by the municipal storm water permit. Mr. Becker answered numerous site specific questions, emphasized pollution prevention, provided examples of erosion control BMPs, and reviewed good site maintenance to avoid enforcement by the Regional Board and municipalities. The workshop garnered significant interest from the development community and was attended by over 200 people.

2. **Urban Water Institute Conference in San Diego** *(Michael McCann)*

The 11th Annual California Urban Water Conference, attended by Mike McCann, convened in San Diego on August 25-27 featured excellent presentations on leading water issues of the California and the western states—seawater desalination, future population growth, water supply planning, future of Bay-Delta programs, future of California agriculture, water transfers, Colorado River Basin conditions, drought in the West, global warming, and the Salton Sea restoration projects. Former State Board member Mary Jane Foley provided a perspective on the regulatory climate for seawater desalination. The Urban Water Institute, sponsor of the conference, maintains a website www.urbanwater.com that makes available current information on the topics covered at the conference.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. **Sanitary Sewer Overflows (SSO)** *(Charles Cheng, David Hanson, Bryan Ott, Victor Vasquez)*
(Attachment B-1)

From August 1 to August 31, 2004, there were 19 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 12 of these spills reached surface waters or storm drains of which one resulted in closure of recreational waters. Of the total number of overflows from public systems, five were 1,000 gallons or more.

Six sewage overflows from private property in August were also reported; one of these overflows was 1,000 gallons or more; four reached surface waters or storm drains; and two resulted in closure of recreational waters.

The combined total volume of reported sewage from all publicly-owned collection systems for the month of August was 12,493 gallons.

No rainfall was recorded at San Diego's Lindbergh Field in August 2004. For comparison, in July 2004, no rainfall was recorded, and 17 public SSOs were reported. Also for comparison, in August 2003, no rainfall was recorded and 18 public SSOs were reported.

Attached is a table entitled "Sanitary Sewer Overflow Statistics," updated through August 31, 2004 which contains a summary of all sanitary sewer overflows (by FY) from each agency since FY 2001-02. From August 1, 2004 through August 31, 2004, approximately 11.3 billion gallons of sewage were conveyed through the Region's sewage collection systems of which 12,493 gallons were spilled (0.0001%).

For additional information on SSO's in FY 2002-2003 see the table entitled "Public SSO Statistics Summary for FY 2002-2003 (July 1-June 30)" attached to the February 2004 Executive Officer's Report (also available on the Regional Board's website www.swrcb.ca.gov/rwqcb9). The "Public SSO Statistics Summary for FY 2003-2004 (July 1-June 30)" will be provided to the Board in the October's EO Report, and be available on Regional Board's website thereafter.

Issuance of Notice of Violation (NOV)

One Notice of Violation (NOV) was issued during the month of July 2004 for a significant SSO.

Eastern Municipal Water District (District) notified this office of the following sanitary sewer overflow (SSO): A 9,375-gallon sanitary sewer overflow occurred on May 13, 2004 from the District's wastewater collection system at Rancho California Road in the City of Temecula due to lumber and rocks placed in a manhole. Of the total volume, 8,875 gallons entered into a storm drain that discharges to a tributary of the Empire Creek, which subsequently flows to the Santa Margarita River. Warning signs were posted for seven days. This overflow constitutes a priority violation on Prohibition A.1. of Order No. 96-04.

The Regional Board issued an NOV for this SSO on July 28, 2004 and requested the District to submit a response report describing steps the District has taken or will take to achieve compliance with Order No. 96-04. Staff also followed up with telephone conversations with the district's staff regarding reasonable and proactive preventive measures. On August 27, the District submitted a response report that described seven steps to prevent future SSO, including: 1) pre-construction meeting and inspection, 2) procedures for dealing with vandalism-prone areas, 3) sewer line cleaning program, 4)

sewer line inspection program, 5) coordination with cities for construction projects, 6) issuance of customer education newsletter, and 7) adoption of District's Ordinance No. 59.5 (Regulations for Waste Discharge and Sewer Use).

Practical and Proactive SSO Prevention Specialty Conference

On August 19, 2004, the San Diego Section and Southern Section Collection Systems Committee of the California Water Environment Association conducted a one-day specialty conference entitled *Wastewater Collection and the Environment*, which was hosted by the City of San Diego Metropolitan Wastewater Division. The goal of the conference was to provide sewer agencies with strategies and tools to manage their wastewater collection systems, discuss the impacts of SSOs on the environment, and present existing and proposed regional and state SSO regulations. Regional Board staff Victor Vasquez gave a presentation on Order No. 96-04, *Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies*. Approximately 100 people attended the conference including many representatives from the San Diego Region sewer agencies.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in August 2004 (Stacey Baczowski)

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. The majority of project applications are submitted because the applicant is also applying for a section 404 permit from the Army Corps of Engineers, and propose filling or armoring of creeks and streams.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at: <http://www.swrcb.ca.gov/rwqcb9/programs/401cert.html>.

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION/WATERBODY	CERTIFICATION ACTION ¹
8/2/2004	Arizona Tile	Arizona Tile Project	Build a new showroom and retail sales store in Murrieta.	Conditional
8/2/2004	Murrieta Corporate Center, LLC	Village Walk Development	Mixed use development including residential and commercial buildings.	Conditional
8/3/2004	County of San Diego, Department of Public Works	Valley Center North Road Improvement Project	Widen 2.88 miles of Valley Center Road from just north of Banbury Drive to 0.12 mile east of the intersection with Cole Grade Road.	Conditional
8/5/2004	County of Riverside, Transportation Dept.	State Route 79 Project:	Widen three segments of roadway along a 2.5-mile portion of State Route 79 from Hunter Road to Thompson Road.	Conditional

8/9/2004	Cajon Valley Union School District	Los Coches Creek Middle School Emergency Well Fill	Fill an open agricultural well that occurs within jurisdictional waters within the school construction site.	Conditional
8/10/2004	U.S. Army Corps of Engineers, L.A. District	SOCWA Treatment Plant Access Bridge Protection	Stabilize SOCWA treatment plant access bridge.	Conditional
8/12/2004	City of San Diego, Field Division, Engineering and Capital Projects	Upas Street Sewer Repairs	Repair sewer line in an urban canyon in the community of North Park.	Withdrawn
8/12/2004	City of San Diego; Park and Rec. Dept.	Mission Bay Boat Launching Facilities Improvements	Improvements to Dana Basin, De Anza Cove, Santa Clara Point, and Ski Beach to comply with Americans with Disabilities Act.	Low Impact
8/12/2004	Taylor Woodrow Homes	Geotechnical Boring In San Juan Creek	Exploratory geotechnical boring as part of the design process for replacing the existing La Novia Bridge.	Nation Wide Permit (NWP) Certified By SWRCB
8/18/2004	Mission Resource Conservation District	Removal of Invasive Exotic Species	Treat and replant 260 acres of <i>Arundo donax</i> on main stem of San Luis Rey River	NWP Certified By SWRCB
8/19/2004	Santa Margarita Water District	Canada Gobernadore Culvert Improvement	Road and culvert improvement project	Conditional
8/23/2004	City of Coronado	Glorietta Bay Masterplan Yacht Club Promenade-Phase 2a Shore Repair and Seawall	Reconstruction of 1,520 linear feet of existing coastal riprap and construction of a seawall.	Conditional

¹ Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.

3. Grants Update (Dave Gibson)

2003 Consolidated Grants Program Update

The Regional Board is negotiating grant agreements for the remaining Consolidated Grants program projects. Grant Agreements for these projects should be completed by September 2004. The final San Diego Region project from the Consolidated Grants program remaining to be authorized is a federal Clean Water Act section 319(h) project for Rainbow Creek Nutrient TMDL implementation. The July State Water Resources Control Board (SWRCB) workshop and hearing were postponed pending the award of the federal grant from the US EPA to the SWRCB. The SWRCB workshop and hearing are expected to occur in September 2004.

Status of Phase I and Phase II Proposition 13 Grant Funded Projects

Two projects funded by Proposition 13 Phase I grants that were behind schedule in August are progressing to a return to schedule. The Project Director for the Los Penasquitos Watershed Management Plan has committed to submitting all past due deliverables by September 15, 2004 and holding more frequent stakeholder meetings throughout the remainder of the project. Bruce Posthumus attended the August 30, 2003 meeting and spoke on the subject of stakeholder involvement in watershed planning. The Orange County Munger Storm Drain project is continuing to make progress and is expected to be completed on time.

Proposition 50 Integrated Regional Water Management (IRWM) Grant Program

The IRWM grant program has very stringent eligibility criteria that limit funding to regional water management efforts. These criteria and the application procedures are described in the draft guidelines for the Proposition 50 Chapter 8 IRWM grant program. The draft guidelines were released for public comment on August 16, 2004 and posted on the SWRCB website at <http://www.swrcb.ca.gov/funding/irwmgp/index.html>. Dave Gibson attended the first of two public comment workshops on Tuesday August 31, 2003 in Ontario and met with representatives from Orange and San Diego counties. The second workshop will be held in Sacramento on September 9, 2004 in the Coastal Hearing Room of the California EPA Building, and will be web broadcast at <http://www.calepa.ca.gov/broadcast>. Comments on the draft IRWM guidelines are due on September 30, 2004. The IRWM Proposal Solicitation Package will be released in October or November with Planning Grant proposals due in January 2005 and Implementation Grant proposals due in February 2005. IRWM Planning Grants and Step 1 Implementation Grants application workshops will be held in November 2004 to assist applicants preparing proposals.

Agricultural Water Quality Grant Program (AWQGP)

The AWQGP provides funding for projects that reduce or eliminate non-point source pollution discharge to surface waters from irrigated agricultural lands. Funding is available from Propositions 40 and 50. The SWRCB adopted the AWQGP Guidelines on August 26, 2004. The Solicitation Notice for project proposals should be posted on the SWRCB website by September 3, 2004. Applicant assistance workshops are planned for the Los Angeles and Colorado River regions in September. The Regional Board has encouraged the County of San Diego, the Mission Resource Conservation District, and

other stakeholders to consider applying for funds to support TMDL implementation projects in the Rainbow Creek Hydrologic Subunit to reduce non-point source pollution from irrigated agriculture.

Water Recycling Funding Program (WRFP)

Draft WRFP Guidelines are currently posted on the SWRCB website for a 30-day public review and comment period ending September 3, 2004. Answers to questions asked during the August 19, 2004 stakeholder workshop will be posted on the SWRCB website by September 3, 2004. The Guidelines will be presented to the Bay-Delta Public Advisory Committee at their meeting on September 9, 2004. The SWRCB may consider adoption of the WRFP Guidelines in October 2004.

Small Community Wastewater Grant Program

The Regional Board submitted its Competitive Project List (CPL) and supporting documentation to the SWRCB on August 25, 2004. Only one project from the Anza Facilities District was submitted to the Regional Board for the CPL. The SWRCB Division of Financial Assistance will develop the proposed Statewide List for consideration by the SWRCB Board in October 2004.

4. Petition of Riverside County MS4 Permit (Megan Quigley)

The Cities of Murrieta and Temecula, the County of Riverside, and the Riverside County Flood Control and Water Conservation District have filed a petition for review of Order No. R9-2004-001 with the State Board. The petition, which was prepared by Richards, Watson & Gershon, for the most part contains the same points and authorities raised in the petition filed by the Orange County Permittees of their MS4 requirements. The Riverside Permittees requested the State Board to hold the matter of their petition in abeyance pending the outcome of the California Supreme Court's review and decision of *City of Burbank v State Water Resources Control Board* 111 Cal. App. 4th 245, 4 cal. Rptr. 3d 27 (2003). The State Board concurred with the request, informing the Permittees that the matter would be held in abeyance for no more than two years and that if, by that time, no resolution of the matter had taken place or the matter had not become the subject of an active dispute, the petition would be dismissed without prejudice.

5. Orange County MS4 Program Update (Robert Morris) (Attachment B-5)

Mike McCann and Bob Morris attended a Special Workshop Session of Orange County Board of Supervisors on a proposed Regional Strategic Runoff Plan on August 24, 2004. The purpose of the Session was to update the Supervisors about the County's current water quality approach and efforts, its progress in developing a regional strategic plan for water quality, and to discuss water quality policy issues that may require future decisions by the Supervisors.

The County staff initiated the discussion by highlighting the activities of the County as well as several Cities and Special Districts within the County. These activities included the County's monitoring efforts, installation of treatment systems such as in-channel UV system at Poche Beach, diversion systems, public education, TMDL compliance,

watershed efforts and participation in studies by the Army Corps of Engineers. Noted efforts by various cities were implementation of their storm water management plans including enforcement and education efforts, and installation of constructed wetlands, and diversion and treatment systems. Special Districts such as Orange Co. Sanitation District reported their involvement in water conservation and recycling, diversions, monitoring, and the development of natural treatment systems.

Because there are multiple public agencies addressing water quality concerns in the county, a regional steering committee composed of representatives from the County, municipalities and the Special Districts, has been established to coordinate their efforts. This committee is advocating a strong regional approach to addressing urban runoff issues. Through this regional approach, the committee proposes that there would be improved efforts in:

- Coordination of Legislative Positions.
- Prioritization and Initiation of Future Legislation.
- Opportunities to partner and support efforts to obtain grant funding.
- Coordination with Special Districts in implementing a regional strategy.

The committee described seven actions to the Board that they consider necessary to develop this regional approach.

1. Review and establish meaningful water quality standards.
2. Evaluate public outreach & educational efforts.
3. Examine and recommend approved technologies.
4. Examine current and future regional funding needs.
5. Examine methods to localize solutions on a watershed-based scale.
6. Partner with Regional Boards and involved them in this process.
7. Examine regional governance structures.

The Board of Supervisors was very receptive to the presentation and emphasized their commitment to protecting water quality. They assigned their staff several tasks on this issue and requested an update in the near future. When appropriate, the SDRWQCB will provide feedback to the committee of its efforts to develop this regional approach.

Attached is a news article that appeared in the Los Angeles Times Orange County Edition that announced the August 24 workshop and reported on the general acceptance by county residents of the costs to cleanup urban runoff. The article reported that most residents are willing to pay \$5 per month for cleanup efforts.

6. Cleanup & Abatement Order, McMasters Pools, Murrieta, Riverside County (Eric Becker)

McMasters Pools is a pool construction contractor within the City of Murrieta in Riverside County. Since 2000, McMasters Pools has discharged solid waste consisting of trash, sediment, green waste, masonry waste, plastic piping, and other construction waste

to land directly adjacent to a tributary of Murrieta Creek. The City of Murrieta has repeatedly issued administrative and misdemeanor citations to McMasters Pools, and the Regional Board issued Notices of Violation in May and July of 2004. Since the wastes were not removed, the Regional Board issued Cleanup and Abatement Order No. R9-2004-0274 to McMasters Pools on August 30, 2004. The cleanup order directs McMasters Pools to cleanup and abate the effects of the discharge of wastes no later than September 9, 2004.

7. El Morro Trailer Park Status Update (*Victor Vasquez*)

El Morro Trailer Park (EMTP) is currently a private mobile home community on lands within Crystal Cove State Park and leased from the State of California through the Department of Parks and Recreation (DPR). EMTP is located along Pacific Coast Highway north of Laguna Beach.

On November 11, 2003, the Regional Board adopted Order No. R9-2003-0228, *Waste Discharge Requirements for California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, Orange County*, which establishes requirements for the discharge of domestic wastewater from EMTP by means of subsurface disposal. On the same day, the Regional Board also adopted Cease and Desist Order (CDO) No. R9-2003-0285, which established a time schedule to allow DPR to comply with Order No. R9-2003-0228 no later than September 30, 2005 by either terminating the discharge from EMTP or providing a new wastewater treatment and disposal system.

Specifically, the CDO required DPR to select an alternative means to achieve compliance with Order No. R9-2003-0228 and submit a report to the Regional Board by February 1, 2004. DPR met this requirement with the submittal of the Sewage Disposal Alternative Selection Report received January 30, 2004. The report stated that DPR has set aside \$12 million in park bond funds for the conversion of the private El Morro Mobile Home Park to public park facilities as directed by the Crystal Cove State Park General Plan (CCSPGP) which was approved by the State Park and Recreation Commission in 1982. The report cited the CCSPGP as follows: "Both the Morro Cove (mobile home park) and the Crystal Cove Historic District are now using septic systems for the disposal of sewage. As development progresses in the park, facilities should be served by the appropriate sewage district. Annexation of park lands into these districts will be necessary in order to provide formal agreements for sewage disposal." The report states that the conversion project includes the elimination of the subsurface sewage treatment system at EMTP and construction of a new sewage collection system to service the new public park facilities. According to the report, all sewage will be treated at a regional sewage treatment center operated by Orange County Sanitation District at completion of the conversion project.

By e-mail sent August 25, 2004 to the Regional Board, DPR provided an update on the status of the EMTP conversion project. DPR reported that the El Morro Conversion/Restoration Project is on schedule and that the Governor's fiscal year FY 04/05 budget fully funded the project's \$10.1 million construction phase which includes

the connection of the facilities to the municipal sewer system. DPR stated that the California Coastal Commission will consider the project's permit application in October 2004 and that all other regulatory permits have been submitted. DPR anticipates bidding the project between November and December 2004 and awarding a contract for construction between January and February 2005 with construction starting shortly thereafter. DPR further stated that the tenants are required to vacate the EMTP site by Dec. 31, 2004 and that the leach field system will be shut down after all tenants have vacated. DPR stated that it is prepared to quickly process the necessary legal documents to physically remove any tenants, if necessary; however, DPR is hopeful that the tenants will cooperate.

On June 18, 2004, the Regional Board received from DPR an application for a 401 Certification for the overall conversion project. Water quality issues under consideration include the restoration of portions of Moro Canyon Creek, plans for abandoning the subsurface sewage collection and disposal systems, urban run-off management for the converted public park facilities, and post-construction best management practices for run-off from a traffic turn lane proposed to be added to Pacific Coast Highway for access to the EMTP site.

In December 2003, the El Morro Community Association (EMCA), representing the residents of EMTP, filed a petition with the State Board appealing the adoption of Order No. R9-2003-0228 and CDO No. R9-2003-0285. In its petition, EMCA requested that the petition be held in abeyance pending submittal of additional information, and EMCA was granted a two-year abeyance by State Board. By correspondence dated August 23, 2004, EMCA requested of the State Board reactivation of its petition and submitted supporting documentation. The State Board has not yet informed the Regional Board as to whether the reactivated petition has been or will be accepted or dismissed.

8. Hanson Elementary School, Ramona Unified School District, San Diego County,
Status of Report of Waste Discharge (*Bryan Ott*)

On June 3, 2004, the Regional Board received on behalf of the Ramona Unified School District (RUSD) an application for waste discharge requirements for the treatment and disposal of wastewater generated at the proposed Hanson Elementary School on Boundary Avenue in Ramona. The Report of Waste Discharge (RWD) proposes that the wastewater will be treated by an advanced onsite treatment system. The treated effluent will be discharged to a subsurface disposal system on the school property.

The RUSD has received complaints about the school project, including the proposed onsite system, from a few neighboring citizens concerned about a school across the street from their homes. Those neighbors have stated that a school with a sewer connection is growth inducing. The neighbors have also expressed concern about potential odors from the treatment system, which is situated near the property line along side the road by the entrance of the school.

The Hanson Elementary School is currently under construction. The RUSD will be transferring approximately 750 students to the school in December 2004 or January of 2005, when the school is expected to open. It will have a faculty and staff of 60 persons. The RUSD has already procured equipment and is currently installing the wastewater treatment and disposal system described above. The treatment system construction is essentially complete.

On July 16, 2004, the RUSD was notified via letter of additional information that was necessary for Regional Board to fully evaluate the RWD and potential impacts the proposed system may have on water quality. The Regional Board met with representatives from the RUSD on August 5 to discuss the contents of the July 16 letter. On September 2, 2004 the RUSD delivered additional information in response to the Regional Board's request for information dated July 16, 2004.

The proposed treatment system consists of a grease interceptor, a 12,000-gallon primary settling tank (septic tank), denitrification units, a recirculation tank, two trickling filters, and a dosing tank that routes the treated effluent to the leach field disposal system. The subsurface leach field system consists of 4 disposal zones, all utilizing a subsurface drip dispersal system, located at the toe of the fill slope at the south end of the school. The drip field uses the whole field and applies much less flow to any one area. The design flow for the treatment system is 3,645 gallons per day.

The Regional Board met with staff of the San Diego County Department of Environmental Health (County) at the site in early July. The County has expressed concern to the Regional Board that the site chosen by the RUSD for subsurface disposal may not be adequate to prevent wastewater from surfacing and/or commingling with high groundwater during wet years. Because the County has only limited historical data indicating normal groundwater level at the location, the County is concerned that the proposed wastewater disposal system may not be able to maintain a 5-foot separation between the dispersion system and the groundwater during the wet season. The County also questioned the performance of the proposed onsite treatment system and the use of pressure drip disposal leach lines. The County is concerned that this type of leach line system has an increased potential, over that of conventional type systems, to cause ponding and/or surfacing of effluent. The Regional Board will consider the County's comments and plans to meet with County staff to ensure that any proposed waste discharge requirements (WDRs) address the County's concerns.

After evaluation of the RUSD's additional information recently submitted at the request of the Regional Board, a determination will be made regarding the proposed project's ability to comply with all applicable water quality laws and regulations. If the project appears capable of meeting all appropriate requirements, then tentative WDRs will be prepared and sent to all interested parties for review and comment. It is anticipated that a tentative WDR could be presented to the Regional Board for consideration of adoption at either the November 10 or December 8, 2004 Regional Board meeting.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

There are no items for Part C this month.